



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/540,955	03/31/2000	George H. BuAbbud	560043610132	1921

7590 01/15/2003

David B Cochran
Jones Day Reavis & Pogue
North Point
901 Lakeside Avenue
Cleveland, OH 44114-1190

EXAMINER

LI, SHI K

ART UNIT

PAPER NUMBER

2633

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/540,955

Applicant(s)

BUABBUD ET AL.

Examiner

Shi K. Li

Art Unit

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2000 and 19 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-11 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 and 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neidlinger et al. (U.S. Patent 5,491,575) in view of Kaede et al. (K. Kaede et al. "A Passive Double Star Optical Subscriber System with Frequency Division Duplex Transmission and Flexible Access", IEICE Trans. Communication Vol. E75-B No. 9, September 1992).

Neidlinger et al. teaches a system and method for transmitting bidirectional communication data over an optical fiber. Neidlinger et al. discloses a communication network in the drawing of the patent. A NRZ data is sent from the central station (first location) to the decentralized station (second location) on the upper right corner of the drawing (see col. 4, lines 15-25). The decentralized station includes photodetector PD, low pass filter and discriminator for receiving the data from the central station. The decentralized station receives subscriber data and feeds it to the modulator and modulates a carrier whose frequency is a multiple of the clock frequency of the first NRZ signal (see col. 4, lines 44-45). Neidlinger et al. uses phase modulation (PSK) for the signal from the decentralized station to the central station. Note that the waveform of FIG. 5D of the current application represents a PSK modulation of FIG. 5A. That is, the modified Manchester coding described in the current claim is generally known as PSK.

Art Unit: 2633

Regarding claims 1 and 7, the difference between Neidlinger et al. and the claimed inventions is that Neidlinger et al. does not explicitly specify whether the wavelength use for sending data from the central station to the decentralized station is the same as the wavelength use for sending data from the decentralized station to the central station. Neidlinger et al. cites Kaede et al. in col. 1, lines 50-61. Kaede et al. teaches in FIG. 8 the use of the same wavelength for data from CO to ONU as well as for data from ONU to CO (see p. 845, first paragraph). Using the same wavelength eliminates the need for the additional WDM equipment. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the same wavelength for sending data from the central station to the decentralized station as well as for sending data from the decentralized station to the central station, as taught by Kaede et al., in the method and system of Neidlinger et al. because use the same wavelength eliminates the need for the additional WDM equipment.

Regarding claims 2, 5 and 8-9, Neidlinger et al. teaches that the carrier frequency for PSK should be a multiple of the clock frequency of the data from the central station to the decentralized station, $f_1 = n \cdot f_B$, where n is an integer, and gives $n=2$ and $n=4$ as examples (see col. 4, lines 42-52). Since three (3) is an integer, one may also choose $n=3$. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to choose $n=2$ or $n=3$ in the communication system and method of Neidlinger et al.

Regarding claim 4, the clock frequency depends on the amount of data to be sent. Neidlinger et al. gives $f_B = 70$ MHz as an example (see col. 4, lines 50-51). Kaede et al. plots in FIG. 10 the bit rate over a range from 10 Mbps to over 100 Mbps. One may choose a clock rate of 25 MHz since it is within the range 10 MHz~100 MHz. Thus it would have been obvious to

Art Unit: 2633

one of ordinary skill in the art at the time the invention was made to choose a clocking frequency of about 25 MHz in the modified communication system and method of Neidlinger et al. and Kaede et al.

Regarding claims 6 and 10, Neidlinger et al. includes low pass filter TP in the central station and low pass filter LP in the decentralized station.

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neidlinger et al. and Kaede et al. as applied to claims 1-2 and 4-10 above, and further in view of Watanabe (U.S. Patent 5,896,211).

Neidlinger et al. and Kaede et al. have been discussed above in regard to claims 1-2 and 4-10 above. Neidlinger et al. includes high pass filter HP in the decentralized station between the modulator and the laser diode and band-pass filter BP in the central station between the photodiode and the discriminator. The difference between the modified communication system and method of Neidlinger et al. and Kaede et al. and the claimed invention is that Neidlinger et al. uses high pass filter in the decentralized station while the claimed invention uses band pass filter. Watanabe teaches in FIG. 10 the use of band pass filter after the modulation. It is well known in the art that the spectrum of a modulated signal is practically band limited. Using a band pass filter blocks noise outside the signal spectrum. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a band pass filter instead of the high pass filter, as taught by Watanabe, in the modified communication system and method of Neidlinger et al. and Kaede et al. because a band pass filter blocks noise outside the signal spectrum.

Allowable Subject Matter

Art Unit: 2633


4. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shi K. Li whose telephone number is 703 305-4341. The examiner can normally be reached on Monday-Friday (8:30 a.m. - 5:00 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 703 305-4729. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9314 for regular communications and 703 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-3900.

skl
January 7, 2003


JASON CHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600